

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JULIO CESAR SANCHEZ MARTINEZ,

Plaintiff,

v.

FREITAS, et al.,

Defendants.

Case No. [23-cv-02508-HSG](#)

**ORDER DENYING REQUEST TO  
STAY ACTION AND FOR  
DISCOVERY; GRANTING  
EXTENSION OF TIME TO FILE  
ANSWER**

Re: Dkt. No. 12

Plaintiff, an inmate at Santa Cruz County Jail, has filed a *pro se* action pursuant to 42 U.S.C. § 1983. Defendants have recently filed a motion to dismiss, Dkt. No. 11, and also filed a separate motion requesting that the Court stay this action, vacate the current deadline to file an answer, and, if necessary, issue a new discovery and scheduling order after ruling on Defendants' motion to dismiss, Dkt. No. 12. The current deadline for Defendants to file an answer is November 22, 2023. Dkt. No. 10. Defendants argue that the motion to dismiss may result in termination of the case without the need for an answer, and therefore request that Court stay the instant action, stay discovery, and vacate the pending deadlines. Dkt. No. 12.

The Court GRANTS IN PART AND DENIES IN PART Dkt. No. 12.


The Court GRANTS the request to stay the deadline for filing an answer. If the Court denies the motion to dismiss, the Court will set a deadline for the answer at that time.

The Court DENIES the request to stay the case, and DENIES the request to stay discovery, because it is not clear whether the motion to dismiss will resolve the case in its entirety. Finally, the Court DENIES as moot the request to vacate the scheduling order or pending deadlines because there are currently no pending deadlines. The order of service ordered Defendants to file a dispositive motion within 91 days, and the motion to dismiss satisfies this requirement.

This order terminates Dkt. No. 12.

**IT IS SO ORDERED.**

Dated: 11/27/2023

  
HAYWOOD S. GILLIAM, JR.  
United States District Judge

United States District Court  
Northern District of California